

WU07

Notice of progress report in a winding-up
by the court



Companies House

SATURDAY



A22 *A6FKYSJV* 23/09/2017 #122
COMPANIES HOUSE

1 Company details

Company number 0 5 1 7 6 9 0 2

Company name in full Bournston Estates Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) R K

Surname Grant

3 Liquidator's address

Building name/number 35 Newhall Street

Street Birmingham

Post town B3 3PU

County/Region

Postcode

Country

4 Liquidator's name ^①

Full forename(s) S

Surname Wilson

① Other liquidator
Use this section to tell us about
another liquidator.

5 Liquidator's address ^②

Building name/number The Zenith Building

Street 26 Spring Gardens

Post town Manchester

County/Region

Postcode M 2 1 A B

Country

② Other liquidator
Use this section to tell us about
another liquidator.

WU07

Notice of progress report in a winding-up by the court

6 Period of progress report

From date	^d	^d	^m	^m	^y	^y	^y	^y
	3	0	0	7	2	0	1	6
To date	^d	^d	^m	^m	^y	^y	^y	^y
	2	9	0	7	2	0	1	7

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d	^d	^m	^m	^y	^y	^y	^y
2	2	0	9	2	0	1	7

Liquidators Progress Report For the period 30 July 2016 to 29 July 2017

Bournston Estates Limited
In Liquidation

22 September 2017

Contents

1. Why this report has been prepared	1
2. Summary information for creditors	2
3. Progress of the Liquidation.....	3
4. Estimated outcome for creditors	5
5. Creditors' rights.....	6

Appendices

Appendix A.	Statutory information
Appendix B.	Receipts and Payments Account for the period 30 July 2016 to 29 July 2017 and a Cumulative Account for the period since appointment
Appendix C.	Time Analysis for the period from 30 July 2016 to 29 July 2017
Appendix D.	Cumulative time analysis for the period since the appointment
Appendix E.	Liquidators' fees and disbursements
Appendix F.	Additional information in relation to the Liquidators' fees pursuant to Statement of Insolvency Practice 9

1. Why this report has been prepared

- 1.1 As you will be aware Ryan Grant and Simon Wilson (the **Liquidators**) were appointed Liquidators of Bournston Estates Limited (the **Company**) on 30 July 2013 following a winding up order made on 29 July 2013.
- 1.2 In accordance with UK insolvency legislation, Liquidators are required to provide a report to creditors covering the progress of the Liquidation during the 12 months since the date of the Liquidators' appointment, and following every subsequent 12 month period. This report covers the period 30 July 2016 to 29 July 2017 (the **Period**).
- 1.3 This report has been prepared in accordance with rule 18.8 of the Insolvency Rules (England and Wales) 2016.
- 1.4 The purpose of this report is to provide statutory and financial information about the Company and to provide an update on the progress of the Liquidation, including details of assets realised during the Period, details regarding the Liquidators' fees and the expected outcome for each class of creditor.
- 1.5 Details of the Liquidators' fees and costs incurred are detailed at Appendix C to F.
- 1.6 More information relating to the Liquidation process, Liquidators' fees and creditors' rights can be found on AlixPartners' creditor portal (<http://www.alixpartnersinfoportal.com>). Log-in details to access this information can be found within the covering letter you have received.
- 1.7 If you require a hard copy of this report or have any queries in relation to its contents, or the Liquidation generally, please contact Melissa Fielding on 0161 838 4529, by email creditorreports@alixpartners.com or in writing to the offices of AlixPartners at The Zenith Building, 26 Spring Gardens, Manchester, M2 1AB.

2. Summary information for creditors

Description	Estimated debt £	Likely level of return £
Secured creditor	674,369	Uncertain
Unsecured creditors	10,567	Uncertain

Notes:

The estimated debt of the secured creditor has been taken from the Company's statement of affairs provided in the preceding Administration; therefore it does not include accrued interest and charges. The secured creditor also holds cross-guarantees from a number of subsidiaries of the Company.

Any potential return is unknown at this stage given the uncertainty regarding the outcome of the associated insolvency processes disclosed in section 3 of this report.

Funds available for distribution and dividend rates are detailed before taking into account the estimated costs of making the distribution. Please note that the amounts due to unsecured creditors will accrue no interest charges after the date of the appointment.

The Company had no employees and as such, no preferential claims have been received or are anticipated.

In respect of unsecured creditors, UK insolvency legislation stipulates that creditors of the same class should be treated equally. Hence the funds available for distribution are split on a pro-rata basis amongst all creditors of each class, regardless of the size of their claims.

3. Progress of the Liquidation

- 3.1 The Liquidators' Receipts and Payments Account for the Period, together with a Cumulative Account for the period since appointment is attached at Appendix B. All costs incurred to date have been paid.
- 3.2 This report should be read in conjunction with the final Administration report dated 4 July 2013 and the previous Liquidation progress reports.
- 3.3 The costs of the Liquidation to date have been met by way of a contribution from the Company's secured creditor.

Bournston Developments Limited (BDL)

- 3.4 As previously reported, a loan was due from BDL to the Company of £1.6 million. It was initially expected that BDL would not be able to repay these monies as it was placed into liquidation on 22 April 2013, however it later transpired that a potential shareholder surplus may be available to BDL from its subsidiary, Bournston Property Limited (**BPL**) which is itself in administration. For full details of the potential recoveries available to BDL, please refer to the previous progress report dated 20 September 2016.
- 3.5 Since the last report, the Liquidators of the Company have continued their dialogue with the liquidators of BDL, who have in turn frequently corresponded with the administrators of BPL to understand the status of the administration and the quantum and timing of any potential distribution.
- 3.6 The administrators of BPL have advised that, following completion of the sale of BPL's main property asset in May 2015, they have continued in their efforts to finalise all remaining matters, which include finalising BPL's tax position, the agreement of its unsecured creditor claims, preparing for and completing a distribution to unsecured creditors, and the consideration of the most appropriate exit route from the administration.
- 3.7 The above matters remain outstanding at the date of the administrators' most recent progress report for the period to 10 May 2017. The liquidators of BDL continue to monitor the administrators of BPL to ensure that all steps are being taken to expedite matters in light of the ongoing delays experienced in bringing the administration process to its conclusion.
- 3.8 The administrators of BPL have indicated that funds in the region of £250,000 are expected to become available to its shareholder based on current estimates. However, they have confirmed that they are not prepared to review the position in relation to the purported transfer of the shareholding prior to the liquidation of BDL (as detailed in previous creditor reports) until all other administration matters are complete.
- 3.9 The administrators have not provided an indication of the timescales to finalise the outstanding matters but have advised that they intend to submit an application to court for directions in relation to the shareholder issue as soon as possible once the outstanding matters in the administration of BPL are resolved.

- 3.10 As Liquidators of the Company, we will continue to monitor the position and liaise with the liquidator of BDL for updates in respect of progress on a regular basis. A further update will be provided in the next report.

4. Estimated outcome for creditors

Secured creditor – AIB Group (UK) Plc

- 4.1 The Company granted fixed and floating charges to the secured creditor on 23 December 2010. The secured creditor also has the benefit of cross-guarantees from the subsidiaries, meaning that the Company is jointly and severally liable for the subsidiaries' liabilities as well as its own. At the date of appointment the secured creditor was owed £674,369 (excluding interest and accrued charges) from the Company. Both on an entity and group basis, the secured creditor will suffer a shortfall.

Preferential creditors

- 4.2 The Company had no employees and consequently there are no preferential creditors.

Unsecured Creditors' Fund

- 4.3 Where there is a floating charge which was created on or after 15 September 2003, the Liquidators are required to create a fund from the Company's net property available for the benefit of unsecured creditors (**Unsecured Creditors' Fund**), commonly known as the 'Prescribed Part'.
- 4.4 As the Company granted a floating charge to the secured creditor after 15 September 2003, the Liquidators are required to create an Unsecured Creditors' Fund in this case. In the event that it is found that BDL is the rightful owner of the shares, funds in the region of £200,000 could be available to the Company in respect of its unsecured claim. This would result in an Unsecured Creditors' Fund of £43,000 being available to unsecured creditors, before costs.
- 4.5 Based on current information, unsecured creditors total approximately £10,567 and therefore there is a prospect of unsecured creditors being repaid in full.

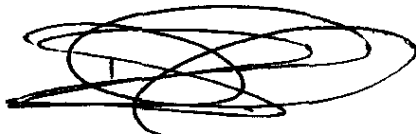
5. Creditors' rights

- 5.1 Within 21 days of the receipt of the report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% of the value of the unsecured creditors), may request in writing that the Liquidator provide further information about their remuneration or expenses (other than pre Liquidation costs) which have been itemised in this progress report.
- 5.2 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% of the value of unsecured creditors), may within eight weeks of receipt of this progress report make an application to court on the grounds that the basis fixed for the Liquidators' remuneration is inappropriate, or that the remuneration or the expenses incurred by the Liquidators as set out in this progress report are excessive.

Next report

- 5.3 The Liquidators are required to provide a progress report within two months of the end of the next year of the Liquidation, if the Liquidation has been completed before then a final meeting will be called, and a draft report circulated before that meeting.

For and on behalf of
Bournston Estates Limited



Ryan Grant
Liquidator

Encs

Appendix A. Statutory information

Company information

Company name	Bournston Estates Limited
Registered number	05176902
Registered office	The Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Former registered office	Ossington Chambers, 6-8 Castle Gate, Newark, Nottinghamshire, NG24 1AX
Trading addresses	N/A
Trading names	N/A
Date of winding up petition	29 July 2013
Court details	High Court of Justice, Chancery Division, Birmingham District Registry
Court reference	6406 of 2013

Liquidators' information

Name	Address	IP number	Name of authorising body
Ryan Kevin Grant	AlixPartners Services UK LLP, 35 Newhall Street, Birmingham, B3 3PU	9637	Insolvency Practitioners Association
Simon Wilson	The Zenith Building, 26 Spring Gardens, Manchester, M2 1AB	8963	Insolvency Practitioners Association

Other relevant information

Creditors approved in the preceding Administration that any act required or authorised to be done by the Liquidators may be done by all or any one or more of them.

Appendix B. Receipts and Payments Account for the period 30 July 2016 to 29 July 2017 and a Cumulative Account for the period since appointment

	Period £	Cumulative £
Floating charge assets		
Receipts		
Contribution to costs	18,000	22,359
Petitioner deposit	-	1,165
Bank interest	-	15
	18,000	23,539
Payments		
Official Receivers' remuneration	-	2,235
Liquidators' fees	15,000	15,000
Secretary of state fees	500	500
Legal fees	-	4,359
Corporation tax	-	3
ISA quarterly fees	44	264
Bank charges	44	92
	(15,588)	(22,453)
Balance of floating charge assets	2,412	1,086
Represented by		
Insolvency services account		1,086
		1,086

Note: The above is subject to small rounding differences.

Appendix C. Time Analysis for the period 30 July 2016 to 29 July 2017

	Employee grade (hours)					Cost incurred	Average rate per hour
	Managing director / director	Vice president	Associate/Analyst	Treasurer/Report	Hours incurred		
Administration and planning	-	2.1	0.5	-	2.6	943.50	361
Strategy and control	-	-	-	-	-	-	-
Statutory duties	-	-	-	0.4	0.4	44.50	111
Case administration	-	-	-	0.1	0.1	17.00	170
Accounting and treasury	0.9	0.2	-	2.9	4.0	767.00	192
Internal documentation	-	0.7	0.8	-	1.5	441.50	294
Realisation of assets - floating charge	-	-	-	-	-	-	-
Recovery of assets	-	2.1	-	-	2.1	799.50	381
Asset accounting and administration	-	-	-	1.2	1.2	136.50	114
Creditors	-	-	-	-	-	-	-
Reporting to creditors	-	0.6	5.5	-	6.1	1,432.00	235
Unsecured creditors	-	0.2	-	-	0.2	75.50	378
Totals	0.9	5.9	6.3	4.5	18.2	5,657.50	356

Appendix D. Cumulative time analysis for the period since the appointment

	Employee grade (hours)					£	Average rate per hour
	Managing director / director	Vice president	Associate/analyst	Treasury/support	Hours worked		
Administration and planning							
Strategy and control	3.9	2.1	0.5	-	6.5	2,689.50	414
Statutory duties	0.1	0.3	4.1	1.1	5.6	1,154.50	206
Case administration	0.1	-	4.3	0.3	4.7	1,107.00	236
Accounting and treasury	1.1	0.4	0.9	0.0	11.4	1,718.00	151
Internal documentation	0.1	3.0	5.2	0.2	8.5	2,787.50	268
Realisation of assets - debtors							
Internal and external documentation	2.8	-	0.2	-	3.0	1,206.00	402
Realisation of assets - floating charge							
Recovery of assets	-	11.1	-	-	11.1	3,920.50	353
Asset accounting and administration	0.2	1.6	0.5	4.0	6.3	1,161.50	190
Creditors							
Creditor claims	-	0.1	-	-	0.1	34.00	340
Internal documentation	1.0	-	-	0.3	1.3	448.00	345
Reporting to creditors	2.8	1.5	14.1	1.2	19.6	5,212.00	266
Secured creditors	-	0.6	-	-	0.6	306.00	243
Unsecured creditors	-	0.6	-	-	0.6	220.50	368
Total	12.1	21.4	29.8	(6.1)	59.4	21,437.00	270

Appendix E. Liquidators' fees and disbursements

Fees

A copy of 'A Creditors' Guide to Liquidations' can be downloaded from AlixPartners' creditor portal (<http://www.alixpartnersinfoportal.com>). If you would prefer this to be sent to you in hard copy please contact the Liquidators and they will forward a copy to you.

A meeting of creditors which was held on 8 May 2012 in the preceding Administration resolved that the basis of the Administrators' fees be fixed by reference to the time properly spent by the Administrators and their staff on matters arising in the Administration.

The resolution passed in the Administration is valid and remains in place in the Liquidation of the Company.

To date, Liquidators' fees of £15,000 have been drawn from funds contributed by the secured creditor towards the costs of the Liquidation. In addition, Official Receivers' remuneration of £2,235 has also been paid.

Disbursements

Category 1 disbursements do not require approval by creditors. Category 1 disbursements may include external supplies of incidental services specifically identifiable to the case, e.g. postage, case advertising, invoiced travel and external printing, room hire or document storage. Any properly reimbursed expenses incurred by the Liquidators and their staff will also be chargeable.

Category 2 disbursements do require prior approval by creditors before they are paid. If they are incurred, they will be drawn in accordance with the resolution approved by creditors. The Liquidators confirm that the following category 2 disbursements have been approved:

- photocopying: charged at the rate of 10 pence per sheet for notifications and reports to creditors and other copying;
- printing: charged at the rate of 10 pence per sheet for black and white printing and 15 pence per sheet for colour; and
- business mileage for staff travel: charged at the rate of 45 pence per mile.

Appendix F. Additional information in relation to the Liquidators' fees pursuant to Statement of Insolvency Practice 9

Policy

Detailed below is AlixPartners' policy in relation to:

- staff allocation and the use of sub-contractors;
- professional advisors; and
- disbursements.

Staff allocation and the use of sub-contractors

The Liquidators' general approach to resourcing their assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The case team will usually consist of a managing director or director, a vice president, an associate and an analyst. The exact case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. On larger, more complex cases, several staff at all grades may be allocated to meet the demands of the case. The Liquidators' charge-out rate schedule below provides details of all grades of staff and their experience level.

With regard to support staff, the Liquidators would advise that time spent by treasury in relation to specific tasks on an assignment is charged. Only if there is a large block of time incurred by a member of the secretarial team, eg report compilation and distribution, do the Liquidators seek to charge and recover their time in this regard.

The Liquidators have not utilised the services of any sub-contractors in this case.

Professional advisors

On this assignment the Liquidators have used the professional advisors listed below. The Liquidators have also indicated the basis of their fee arrangement with them, which is subject to review on a regular basis.

Name of professional advisor	Basis of fee arrangement
Squire Paton Boggs LLP (legal advice)	Hourly rate and disbursements

The Liquidators' choice was based on their perception of the professional advisors' experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of the fee arrangement with them.

Disbursements

Category 1 disbursements do not require approval by creditors. Category 1 disbursements may include external supplies of incidental services specifically identifiable to the case, eg postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by the Liquidators and their staff.

Category 2 disbursements do require prior approval by creditors before they are paid. Any incurred in this case have been drawn in accordance with the Liquidators' proposals, which approved category 2 disbursements as follows.

- photocopying – charged at the rate of 10 pence per sheet for notifications and reports to creditors and other copying; and
- business mileage for staff travel, charged at the rate of 45 pence per mile.


Charge-out rates


A schedule of AlixPartners' charge-out rates for this assignment effective from 1 January 2017 is detailed below, together with those applicable prior to that date. Time is charged by managing directors and case staff in units of six minutes.


Description	Rates from 1 January 2017 £	Rates pre 1 January 2017 £
Managing director	465-510	450-490
Director	445	430
Vice president	385	295-370
Associate	270-305	260-295
Analyst	155-270	150-260
Treasury and support	90-175	85-170


WU07


Notice of progress report in a winding-up by the court

 Presenter information	
You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.	
Contact name	Michael Birch
Company name	AlixPartners
Address	The Zenith Building
	26 Spring Gardens
	Manchester
Post town	M2 1AB
County/Region	
Postcode	
Country	
DX	
Telephone	+44 (0) 161 838 4500

 Checklist
We may return forms completed incorrectly or with information missing.
Please make sure you have remembered the following:
<input type="checkbox"/> The company name and number match the information held on the public Register.
<input type="checkbox"/> You have attached the required documents.
<input type="checkbox"/> You have signed the form.

 Important information
All information on this form will appear on the public record.

 Where to send
You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:
The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.

 Further information
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse